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6 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF ARIZONA

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8 **IN RE: BARD IVC FILTER PRODUCTS**
LIABILITY LITIGATION

9 This document relates to:

10 *ELIZABETH HARPSTER,*

11 *Plaintiff,*

12 *v.*

13 *C.R. BARD AND BARD PERIPHERAL*
14 *VASCULAR, INC.*

15 *Defendants.*

MDL No. 2:15-MD-02641-PHX-DGC

Civil Action No. 2:18-cv-01197-DGC

**PLAINTIFF'S REONSE TO
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR
FAILURE TO COMPLY WITH
AMENDED CASE MANAGEMENT NO. 5**

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17 Plaintiff files this Response to the Motion to Dismiss [DOC 18581] filed by Defendants C.R.
18 Bard, Inc and Bard Peripheral Vascular Inc.

19 1. On June 20, 2019, the Defendants filed their Motion to Dismiss against Plaintiff Elizabeth
20 Harpster for failure to provide a Plaintiff Profile Form.

21 2. Before the filing of Defendants' Motion to Dismiss, Counsel for Plaintiff and Counsel for
22 Defendants agreed to engage in settlement talks with all of Curtis Law Group's clients filed in this
23 MDL, which includes Plaintiff Elizabeth Harpster. Pursuant to the Case Management Order no. 42,
24 and agreement between counsel, Plaintiff Elizabeth Harpster was placed in Track 2.

25 3. Plaintiff's counsel has used due diligence to contact Ms. Harpster, however, recently discovered
26 that Ms. Harpster is deceased. A family member has been located and we are in the process of

1 | obtaining the necessary information to complete the PPF.

2 4. Accordingly, Plaintiff's counsel needs more time to gather the information from Ms.
3 Harpster's family and inform them of the ongoing settlement talks. Plaintiff's counsel humbly asks
4 the Court for additional time to produce the PPF and allow Plaintiff's family the opportunity to
5 engage in settlement.

7 WHEREFORE, Plaintiff Elizabeth Harpster respectfully requests that the Court deny the
8 Defendants' Motion to Dismiss [doc18581] as the parties had previously agreed (prior to the filing
9 of Defendants' motion) to engage in settlement talks (CMO. 42 "Track 2"), and for all other just
0 and appropriate relief.

1 FURTHER Plaintiff prays that the Court will grant additional time for Counsel to obtain
2 the necessary information from Plaintiff's family, submit her PPF, and allow her the opportunity
3 to participate in settlement talks and for all other just and appropriate relief.
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6 || Dated: July 3, 2019

Respectfully submitted,

CURTIS LAW GROUP

/s/ William B. Curtis
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ATTORNEY FOR PLAINTIFF

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3 CERTIFICATE OF SERVICE
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5 I hereby certify that on July 3, 2019, a copy of the foregoing Plaintiffs' Response to
6 Defendants Motion to Dismiss was filed electronically, and notice of the filing of this document will
7 be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants
8 registered to receive service in this matter. Parties may access this filing through the Court's system.
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10 */s/ William B. Curtis*
11 William Curtis
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